

Applicant Initiated Interview Request Form

Application No.: 10/596,635
Examiner: Wesley Potter
Art Unit: 4117
Status of Application: Non-final Rejection

Tentative Participants:

- (1) Ex. Potter
- (2) Steve Funk (Reg. No. 57,751)

Proposed Date of Interview: April 22, 2009
Proposed Time: 2:30
Type of Interview Requested: Telephone

Issues To Be Discussed

- (1) 35 USC 103 rejections of claims 11 and 17.
- (2) 37 CFR 1.75 objection to claims 21 and 22
- (3) 35 USC 112 rejection of claim 15

Brief Description of Arguments to be Presented:

Propose amending claims 11 and 17 to include the features recited in claims 12 and 18, respectively, and recite 1) that the mounting plate is attached to the side wall of the tank, and 2) the mounting plate and the cylindrical pump at least partially overlap each other in a lateral side view. These amendments describe the compact arrangement of the fuel assembly as shown in Figs. 1 and 4 of Applicant's drawings and described in paragraph [0033] of Applicant's specification.

In contrast, Ootaka et al. (US 6,679,292) teaches a fuel pump assembly 20 and a mounting plate 40 that overlap in a plan view of the fuel tank, not a lateral side view (see, for example, Figs. 1 and 2 of Ootaka et al.).

Torikai et al. (JP 2003-74436) (hereinafter referred to by the first named inventor, Suzuki) teaches a fuel pump body P and a mounting plate 1 that also overlap in a plan view, not a lateral side view (see, for example, paragraph [0016] and Fig. 1 of Suzuki et al.).

Kobayashi et al. (US 6,655,363) teaches a fuel pump body 16 arranged well behind the mounting plate 14 in a longitudinal direction of the vehicle (see, for example, Fig. 3 of Kobayashi et al.). Thus, the pump body 16 and the mounting plate 14 of Kobayashi et al. cannot overlap in a lateral side view.

Alternatively, proposed amending claims 11 and 17 to recite that the mounting plate and the pump body overlap each other in a first direction and the pump body and the filter overlap each other a second direction normal to the first direction. In each of Ootaka et al. and Suzuki et al. the mounting plate, pump body, and filter all appear to overlap each other in a single direction such that no

two features could overlap each other in a second direction normal to the first direction (see, for example, Fig. 2 of Ootaka et al. and Fig. 1 of Suzuki et al.).

With respect to the objection to claims 21 and 22, Applicant respectfully submits that claims 21 and 22 are proper dependent claims. See MPEP 608.01(n), III Infringement Test for the appropriate test of a proper dependent claim.

With respect to claim 15, Applicant proposes amending the claim as follows:

The mounting structure for a fuel pump a vehicle engine according to Claim 11, further comprising a fuel passage, wherein the fuel passage includes the filter, the cylindrical pump body, and a member through which fuel flows from the filter to the cylindrical pump body, and wherein a portion of the fuel passage is arranged so as to overlap itself another portion of the fuel passage.